

Message Text

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21

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /035 R

DRAFTED BY EB/AN:AJRIMAS:JO

APPROVED BY EB/AN:RABROWN

EUR/CAN - DBLAKEMORE

CAB - CCOLDREN (SUBS)

----- 121909

R 081829Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

UNCLAS STATE 084986

E.O. 11652: N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR - U.S. EXPRESSION OF DISSATISFACTION
WITH CP AIR'S GIT FARES

REF : RIMAS/O'CONNOR TELCONS 4/1/76 AND 4/2/76;
STATE 77411

1. TO CONFIRM REFTELCONS, PLEASE MAKE FOLLOWING CHANGES
IN PROPOSED NOTE TEXT TRANSMITTED BY REFTEL: IN PARA 2,
LINE 5, OF NOTE TEXT CHANGE "FEBRUARY 5, 1976" TO
"FEBRUARY 4, 1976"; IN LINE 10 OF SAME PARAGRAPH,
CHANGE "ALSO CONVEYED" TO "CONFIRMED".

2. IN DISCUSSING ISSUE OF FILING WITH CANADIANS,
EMBASSY MAY POINT OUT THAT ALTHOUGH THE COMMON METHOD
OF EXPRESSING DISSATISFACTION IS THROUGH AN EXCHANGE OF
NOTES, THERE IS PRECEDENCE FOR OTHER MEANS AND PRACTICES
WHICH DISPLAY FLEXIBILITY IN TIMING AND FORM. EXAMINING
AVAILABLE PREVIOUS CASES SHOWS U.S. HAS ACCEPTED CANADIAN
NOTICES OF DISSATISFACTION IRRESPECTIVE OF TIMING AND
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FORMAT. THE EMBASSY IN PRESENTING ITS VIEWS PER TELCONS,

PARA 3 CONTAINS A LISTING OF CANADIAN DISSATISFACTION FILINGS PURSUANT TO 1968 AIR TRANSPORT BILATERAL FOR PERIOD OF 1971-1975. THERE IS NO RECORD OF DISSATISFACTION

FILINGS DURING 1973-74 OR PREVIOUS TO 1971.

3. ON NOVEMBER 29, 1971, CANADIAN EMBASSY/WASHINGTON SENT NOTE EXPRESSING DISSATISFACTION WITH NORTHEAST AIRLINES YOUTH FARES FILED FOR EFFECTIVENESS DECEMBER 9, 1971, AND INDICATING FARES WOULD BE SUSPENDED DECEMBER 6. U.S. REPLY NOTE EXPRESSED NO VIEWS RE CANADIAN ACTION, BUT INDICATED FARES WOULD BE WITHDRAWN BY AIRLINE. ON MARCH 3, 1972, CANADIAN EMBASSY/WASHINGTON SENT CABLE TO CAB EXPRESSING DISSATISFACTION WITH NORTHEAST AIRLINES FARES EFFECTIVE MARCH 19. U.S. ACKNOWLEDGED CABLE BY LETTER FROM STATE DEPARTMENT TO CANADIAN EMBASSY. ON MARCH 24, 1972, CANADIAN EMBASSY SENT NOTE CONFIRMING MARCH 3 NOTICE RE NORTHEAST AND EXPRESSED FURTHER DISSATISFACTION WITH EASTERN AIRLINES FARES. THE NOTE INDICATED THAT NORTHEAST'S AND EASTERN'S FARES HAD BEEN SUSPENDED ON MARCH 21 PENDING INVESTIGATION. ON JANUARY 31, 1975, ATC NOTIFIED SEVERAL U.S. AIRLINES THAT PROPOSED BICENTENNIAL FARES, TO BE EFFECTIVE FEBRUARY 1, 1975, HAD BEEN SUSPENDED. NOTE FROM EXTAFF WITH ABOVE INFORMATION ONLY RECEIVED BY EMBASSY OTTAWA ON FEBRUARY 26. CANADIANS EXPLAINED THAT THEY HAD NOT FOLLOWED BILATERAL PROCEDURES "THROUGH AN OVERSIGHT". DESPITE THIS, USG DID NOT REJECT CANADIAN ACTION. ON MARCH 4, 1975, ATC NOTIFIED EMBASSY OTTAWA BY LETTER THAT GOC WAS DISSATISFIED WITH EASTERN'S MIDWEEK EXCURSION FARES FOR EFFECTIVENESS APRIL 1, 1975. U.S. ACCEPTED NOTIFICATION, BUT EXPRESSED HOPE THAT PROPER PROCEDURES WOULD BE FOLLOWED IN FUTURE. ON JUNE 18, 1975, EXTAFF DELIVERED DISSATISFACTION NOTE RE ALLEGHENY FARES FOR EFFECTIVENESS JULY 15, 1976. ON DECEMBER 10, 1975, EXTAFF DELIVERED NOTE EXPRESSING DISSATISFACTION WITH UNITED'S FARES. NO DATES, EITHER FILING OR EFFECTIVENESS, WERE GIVEN, BUT CANADIAN NOTE ASSERTED THAT "DISSATISFACTION MUST BE EXPRESSED WITHIN 15 DAYS OF FILING."

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4. EMBASSY MAY ALSO CONVEY TO CANADIAN AUTHORITIES OUR VIEW THAT LEGALISMS CONCERNING NOTICE FILINGS SHOULD NOT BE ALLOWED TO OBSTRUCT THE GENERALLY EXCELLENT WORKING RELATIONSHIP WE HAVE EXPERIENCED IN AVIATION MATTERS. WE BELIEVE THAT BOTH PARTIES SHOULD SEEK TO RESOLVE ANY DIFFERENCES IN A MANNER CONSISTENT WITH THE SPIRIT OF THE BILATERAL AS WE HAVE DONE IN THE PAST. SINCE U.S. HAS SHOWN ACCOMMODATING AND FORTHCOMING

ATTITUDE IN RECEIVING CANADIAN NOTICES, THE RECENT
CANADIAN NOTE WAS FOUND TO BE DISCONCERTING IN TONE AND
IN CONTENT. TO THIS END, WE BELIEVE IT WOULD BE MORE
PRODUCTIVE IN THE FUTURE TO CONTINUE OUR PAST PRACTICE

OF ADDRESSING THE SUBSTANTIVE ISSUES OF THE FARES FILED
RATHER THAN DWELLING UPON TECHNICALITIES OF NOTICE
FILINGS. SISCO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, DIPLOMATIC NOTES, AIR FARES, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE084986
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Document Unique ID: 00
Drafter: AJRIMAS:JO
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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Handling Restrictions: n/a
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Margaret P. Grafeld
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TAGS: EAIR, CA, US
To: OTTAWA
Type: TE
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